IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

Crl.Rev.Pet.No. 946 of 1999

CC.272/1996 of JUDL. MAGISTRATE OF FIRST CLASS COURT, NEDUMKANDOM

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REVN. PETITIONER:

STATE OF KERALA

BY PUBLIC PROSECUTOR MR. C.M.KAMMAPPU

RESPONDENTS:

GOPALAKRISHNA PILLAI,
S/O. RAMAN PILLAI,
THE THEN HEADMASTER OF EZHUKUMVAYAL GOVT.HIGH SCHOOL
COMING FROM RAMANILAYAM
VEEDU, PAYIPPEDU VILLAGE,
CHANGANACHERRY TALUK.

BY ADV. SRI.K.P.GOPALAN NAIR
SRI.A.MOHAMMED

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.946 of 1999

DATED THIS THE 28th March 2007

ORDER

The State has filed the revision petition challenging the order of the court below discharging the accused subsequent to the framing of the charge.

2. Heard both sides.

3. It is seen that the court below has framed charges against the accused under Section 409, 477(A), 461 and 424 IPC and read over the same and explained to the accused and the accused denied the charge and claimed to be trial. Subsequently the accused filed an application for discharge which has been allowed. Evidently the procedure adopted by the Magistrate is clearly illegal and in violation of the settled law on the point. In the circumstances, the order of the court below is set aside. The court below is directed to further proceed with the matter and dispose of the case on merits. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

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CRL.R.P.NO.946 OF 1999

ORDER

28-3--2007